

May 29, 2012

Senate Insurance Committee
Hearing on Medical Malpractice Laws
SB 1115, 1116, 1117 & 1118

Dear Senators:

My name is Mary MacMillen. I work for Montcalm County as the Information Technology Director. I'd like to tell you about what happened to my husband, Dave. Dave is a veteran and former police officer and undersheriff in Ionia and Montcalm Counties. Aside from being a loving husband he is my best friend and a devoted parent, grandparent and uncle.

Dave had an aneurysm in his aorta. Dave was nearly killed because of a doctor's mistake in medical judgment. Although he survived, he is permanently disabled because his kidneys were killed by the doctor's mistakes.

The doctor was going to fix the aneurysm with a large stent. We were told the procedure was simple. What we weren't told was that the special x-ray equipment the doctor needed to use to place the stent wasn't working. He decided to go ahead anyway. He put the stent up too high and it blocked the blood flow to the kidneys and killed them. By the doctor's own words, blood flow to the renal arteries was at least 50% blocked, but he called this "adequate". We now know his judgment was wrong; the arteries were blocked.

Shortly after the procedure Dave was in excruciating pain. I complained to the nurses that something was wrong and they just got mad at me. No doctor came.

The next morning the doctor came back and immediately sent Dave into surgery. It was too late. He was in kidney failure and his lungs stopped working. Dave had to be put on a ventilator. He wound up in a coma for weeks. Dave was strapped to a bed like a Ferris Wheel. It was a nightmare that I will never forget.

Many times the doctors tried to convince me to turn off life support. Telling me that it was hopeless. If Dave survived he would be brain damaged and no one would want to live that way. I told them "no." I would not give up hope.

Now I know the truth – they knew it would be far cheaper for them if Dave were dead.

Dave finally came out of the coma. His brain works fine, but his body is very broken. He remains in permanent kidney failure. Our lives have been consumed by dialysis 5 days a week. Dave can't get a transplant because the insurance company wouldn't approve the treatment Dave needs so he can get one.

Our case was recently settled. I am not allowed to talk about the details of the settlement because the doctor and hospital insisted that it had to be kept confidential. I can tell you that settlement will allow Dave to get the care he needs and hopefully a kidney transplant. I can tell you many hundreds of thousands of dollars were paid back to the insurance companies and Medicare for what they have paid out for Dave's treatment.

I understand the new laws you are considering would mean people like us would have no case – if the physician was exercising his judgment, then the case would be dismissed by the judge and a jury would never be able to decide.

I also understand that even if we could bring the case, under the new law the ability to recover the cost of Dave's future care – which will be over \$10 million – would be essentially wiped out because we have health insurance, even though our insurance keeps changing and so do the benefits and what is covered.

This doesn't make any sense to me. It would mean that these costs would be forced on the taxpayers instead of the people who caused them. Dave and I had accumulated so many bills due to his surgery, that we were about to lose our home, both of us have poor credit ratings now, and we were barely able to even put food on our table. What will others do if they are unable to bring their cases to be heard?

I do not understand how preventing cases like ours would somehow "protect patients." Or make medical care better or safer.

As best I can figure, it would mean that the doctors who nearly killed Dave and caused our lives to be turned upside down would not be held accountable.

That is not right. I urge you **NOT** to adopt these laws. They are dishonest and terrible for the people of Michigan.

Respectfully,

Mary MacMillen